D.B. CIVIL SPECIAL APPEAL NO.150/2006
(Ram Patap & Anr. Vs. Baldeo Raj & Ors.)

Date of order : 12.12.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Kishan Bansal, for the appellants.
Mr. Rakesh Arora, for the respondents.

It is contended by the learned counsel for the appellants that report may be called from District Judge, Hanumangarh that when Addl. District Judge, Fast Track has expressed his inability to hear civil suit No.286/2005 (Baldeo Ram & Anr. Vs. Ram Pratap & Ors.), which was pending at District Hqurs., Hanumangarh, in what circumstances the case has been transferred to another court situated far away from District Hqurs. to the detriment of the convenience of the parties, who have chosen their forum at Hanumangarh. If no other officer was available District Judge himself could have tried the said civil suit.

The application by Addl. District Judge expressing his inability to hear the case cannot be ground for transferring a case from Hanumangarh to another place. He could at best have recused himself from hearing of the case for the reasons best known to him but ultimately he could not have sought the case

to be transferred from Hanumangarh to another place. We order accordingly. The District Judge, Hanumangarh is directed to take the civil suit on his own files and continue with the trial.

The report received from the District Judge, Hanumangarh be submitted on the administrative side.

The appeal stands disposed of.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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